

One Minute Guide

October 2015

Modern Slavery – A Practitioner Guide

The new Act which came into force on 31st July 2015 consolidates and updates the existing criminal legislation on human trafficking, slavery, forced labour, cannabis farming, organ harvesting, forced begging and domestic servitude and increases the maximum custodial sentence, for the most serious offences, from fourteen years to life.

In addition, the legislation creates the post of Anti-Slavery Commissioner and places a duty on specified public authorities including local authorities to report potential victims of trafficking to the National Crime Agency.

It should also be noted that Modern Slavery is now listed as a new category of abuse within the Care Act – 2014.

The National Referral Mechanism (NRM) is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support

Key Measures:

- There is now a statutory requirement on councils to notify the National Crime Agency via the National Referral Mechanism of trafficked individuals – both adults and children
- Introduces new anti-trafficking measures (trafficking prevention orders).
- Provides for much harsher penalties (up to life sentences) for traffickers.
- Recognises that slavery may be taking place in and around the UK.
- Indicates that those who are victims of modern slavery should not be criminalised.
- Introduces the idea of Child Advocates to defend the best interests of a child in any modern slavery procedure (a child is defined as under 18).
- Requires certain large companies to report to shareholders annually on action taken to identify slavery practices in their supply chains.
- Created the role of Anti-Slavery Commissioner, a national rapporteur to coordinate work against slavery.
- Requires the government to provide effective guidance and support to police, judiciary and others dealing with slavery issues.

Practitioners should be alert to the signs of any aspect of modern day slavery as a potential perpetrator may also be a victim.

- Frontline officers and staff should first take immediate and effective steps to ensure that a person suspected of being enslaved is made safe.
- If you are aware of a potential victim of modern slavery then it is likely to be a child protection and/or adult safeguarding issue as well as a criminal offence. Any potential **child** victim must be referred into ChECS and a decision to refer to the National Referral Mechanism should take place automatically.
- A potential victim under the age of 18 years must be represented by an appropriate adult or child advocate, who should be carefully selected. It may not be in the best interests of a child to be interviewed at an early stage of their discovery or during initial contact with authorities. It is important that the child is placed in appropriate secure accommodation before being interviewed.



Local Safeguarding Children Board & Local Safeguarding Adult Board

Any potential adult victim should be referred to a SMART/ CMHT team
Staff can also contact 101 to report a criminal offence.

- If the person making initial contact with a potential victim, witness or third party does not have the requisite knowledge or expertise to sensitively handle vulnerable and traumatised individuals, they should refer to their line manager or duty officer immediately. The line manager or duty officer is responsible for progressing and arranging a referral into the NRM.
- Where the age of a potential victim is uncertain and there are reasons to believe that the person is a child, they should be presumed to be a child and receive immediate access to protection, support, accommodation and advice, as stipulated by section 51(2) of the Modern Slavery Act 2015. If the potential victim looks older than the age they claim to be, a request should be made to a suitably trained social worker, nurse or approved mental health professional for an age assessment.
- Ensure effective communication – including use of interpreters.

Spotting the signs of Modern Slavery:

It's important that people are aware of how to spot the signs of someone who may have been trafficked and is being exploited.

Victims may:

- Look malnourished or unkempt
- Be withdrawn, anxious and unwilling to interact
- Be under the control and influence of others
- Live in cramped, dirty, overcrowded accommodation
- Have no access or control of their passport or identity documents
- Appear scared, avoid eye contact, and be untrusting
- Show signs of abuse and/or have health issues

Typical kinds of employment that victims may be forced into:

- Factories and farm work
- Restaurants, in particular fast food outlets
- Domestic service and hospitality
- Hand car washes and nail bars

Further information and links to other policies

- <https://modernslavery.co.uk/>
- <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>
- Follow Cheshire Anti-Slavery Network on twitter @CheshireASN
- The National Referral Mechanism